

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW JOSEPH SEDILLO,

Plaintiff,

v.

GABRIEL HUERTA, et al.,

Defendant(s).

No. C 08-3507 CRB (PR)

ORDER OF DISMISSAL

This civil action by a prisoner was filed on July 22, 2008. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. The action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: Sept. 4, 2008



CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANDREW-JOSEPH SEDILLO et al,
Plaintiff,

Case Number: CV08-03507 CRB

CERTIFICATE OF SERVICE

v.

GABRIEL HUERTA et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Andrew Joseph Sedillo # V17206
H.D.S.P.
P.O. Box 3030
Susanville, CA 96127

Dated: September 4, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk